

Louis E. Garfinkel, Esq.  
Nevada Bar No. 3416  
Jody W. Hagins, Esq.  
Nevada Bar No. 11983  
REISMAN SOROKAC  
8965 South Eastern Avenue, Suite 382  
Las Vegas, Nevada 89123  
Telephone: (702) 727-6258  
Facsimile: (702) 446-6756  
Email: lgarfinkel@rsnvlaw.com  
Email: jhagins@rsnvlaw.com

Attorneys for Defendant Lyft, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FRANKIE R. PINEDA, an individual;  
MICHAEL A. ABENANTE, an individual;  
AMANDA ABENANTE, an individual and,  
LORRAINE CINTRON, an individual;

Plaintiffs,

vs.

NEAL HAKEEN SABREE, an individual;  
NICOLAS RAYGOZA, an individual, LYFT  
INC., a foreign corporation; DOES 1 through  
10; ROE ENTITIES 11 through 20; and ABC  
LIMITED LIABILITY COMPANIES 21  
through 30,

Defendants.

Case No.

**DEFENDANT LYFT, INC.'S PETITION  
FOR REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA:

Pursuant to 28 U.S.C. §§ 1332, 1441(a), 1441(b), and 1446(a), Defendant Lyft, Inc. ("Lyft"), petitions this court for removal from the Eighth Judicial District Court, Clark County, Nevada, to this Court and submits the following information in support of this request:

8. Under 28 U.S.C. §1441, Lyft has a statutory right to remove this case from state court to this United States District Court because this case could have been originally filed in this federal Court. The grant of this right is authorized by Article III, Section 2 of the United States Constitution,

1 which extends judicial power of the federal courts to controversies “between citizens of different  
2 states.” *See* 28 U.S.C. 1332.

3 9. Removal is proper here because this Court has original jurisdiction of this action  
4 under 28 U.S.C. §1332. The amount in controversy exceeds \$75,000.00, exclusive of interest and  
5 costs. *See* Exhibit A. There is also complete diversity of citizenship between the parties who have  
6 been joined and *served* in the state court action. *See* 28 U.S.C. §1441(b)(2) (emphasis added). *See*  
7 *also, Lamy v. UPS*, No. 2:09-cv-01890-LRH-RJJ, 2010 U.S. Dist. LEXIS 38784, at \*3-4 (D. Nev.  
8 Mar. 26, 2010) (stating, “[a]dditionally, a matter may be removed provided that “none of the parties in  
9 interest properly joined and *served* as defendants is a citizen of the State in which such action is brought.” 28  
10 U.S.C. § 1441(b) (emphasis added). Here, although Bledsoe was joined as a defendant, he has not yet been  
11 served with the complaint and summons. The only properly joined and served defendant is UPS. Accordingly,  
12 removal on diversity jurisdiction grounds was proper.”).

### 13 DIVERSITY

14 10. Lyft is a Delaware corporation with its principal place of business in California. *See also*  
15 Exhibit B at ¶9 (alleging Lyft is a foreign corporation).

16 11. Plaintiffs Frankie Pineda, Michael Abenante, Amanda Abenante, and Lorraine Cintron are  
17 all residents of Cook County, Illinois. *Id.* at ¶¶2-5.

18 12. On information and belief, Defendants Sabree and Raygoza are residents of Clark County,  
19 Nevada. *Id.* at ¶¶7-8. However, neither Sabree nor Raygoza have as yet been served, thus removal to this  
20 Court is proper. *See* 28 U.S.C. § 1441(b); *See also Lamy*, 2010 U.S. Dist. LEXIS 38784, at \*3-4.

### 21 AMOUNT IN CONTROVERSY

22 13. Lyft only needs to prove that it is more likely than not that the amount in controversy  
23 satisfies the jurisdictional amount of \$75,000.00. *See Sanchez v. Monumental Life Ins. Co.*, 102  
24 F.3d 398, 404 (9th Cir. 1996).

25 14. This case was filed in state court, and Nevada Rule of Civil Procedure 8(a) permits  
26 a plaintiff seeking more than \$15,000.00 in monetary damages to simply request damages in excess  
27 of \$15,000.00 without needing to specify the specific amount of damages sought. Therefore, the  
28 Complaint does not specify that the amount in controversy is greater than \$75,000.00. *See* Exhibit

1 B. However, Plaintiffs allege that they “suffered substantial injuries to their bodies, pain and  
 2 suffering, lost income and loss of consortium,” “sustained personal injuries of a pecuniary and  
 3 lasting nature,” “they have incurred and endured medical bills, lost wages and benefits, pain,  
 4 suffering, emotional distress, disability, disfigurement and loss of a normal life and will continue to  
 5 endure the same in the future,” and “suffered serious personal injury.” *Id.* at ¶¶ 28, 43, 51, and 59.

6 15. Prior to initiating the present suit, Plaintiff Amanda Abenante’s counsel, Dennis  
 7 Lynch, Esq., provided to counsel retained by Progressive, the insurance carrier for Defendants Lyft  
 8 and Sabree, a letter. The letter included a bill for medical services and treatment provided to Plaintiff  
 9 Amanda Abenante from Sunrise Hospital totaling \$1,159,512.00, in connection with Plaintiffs’  
 10 claims stemming from a motor vehicle accident that took place on August 1, 2021, in Las Vegas,  
 11 Clark County, Nevada. *See* Exhibit A.

12 16. Plaintiff Amanda Abenante’s medical expenses are at least \$1,159,512.00. *Id.*  
 13 Additionally, there are three other Plaintiffs in this matter also seeking damages for their alleged  
 14 injuries. Plaintiffs are also seeking general and special damages including but not limited to future  
 15 medical expenses, pain, suffering, mental distress, anguish and fear, loss of consortium (Plaintiff  
 16 Michael Abenante), and past and future loss of earnings.

17 17. Based on Plaintiff Amanda Abenante’s medical expenses of at least \$1,159,512.00,  
 18 the amount in controversy exceeds \$75,000.00. This is not an admission that Lyft is legally  
 19 responsible for any conduct that would warrant the imposition of liability or damages alleged by  
 20 Plaintiffs.

### 21 **REMOVAL IS PROPER**

22 18. This action is pending in the Eighth Judicial District Court, Clark County, Nevada.  
 23 This Court’s jurisdiction encompasses Clark County, Nevada. *See* 28 U.S.C. §108. This Court is,  
 24 therefore, the proper court to which the action should be removed. *See* 28 U.S.C. §1441(a).

25 19. This notice of removal is timely filed because it was filed within thirty days after the  
 26 Plaintiff effected service upon Lyft by serving a copy of the Amended Summons and Amended  
 27 Complaint on Lyft’s registered agent, the document from which it was first ascertained that the case  
 28 is removable. *See* 28 U.S.C. §1446(b)(1).

By: /s/Louis E. Garfinkel, Esq.  
 LOUIS E. GARFINKEL, ESQ.  
 Nevada Bar No. 3416  
 JODY W. HAGINS, ESQ.  
 Nevada Bar No. 11983  
 8965 South Eastern Avenue, Suite 382  
 Las Vegas, Nevada 89123  
 Telephone: (702) 727-6258  
 Facsimile: (702) 446-6756  
 lgarfinkel@rsnvlaw.com  
 jhagins@rsnvlaw.com  
 Attorneys for Defendant Lyft, Inc.

**CERTIFICATE OF SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 1<sup>st</sup> day of September, 2022, a true and correct copy of the foregoing **DEFENDANT LYFT, INC.'S PETITION FOR REMOVAL** was served on all CM/ECF registered parties by filing and serving the same using the CM/ECF filing system.

/s/ Amanda Johnson

Amanda Johnson

An employee of REISMAN·SOROKAC

REISMAN·SOROKAC  
8965 SOUTH EASTERN AVENUE, SUITE 382  
LAS VEGAS, NEVADA 89123  
PHONE: (702) 727-6258 FAX: (702) 446-6756

**INDEX OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
A	Letter and Medical Bill from Sunrise Hospital
B	Plaintiff's Complaint
C	Affidavit of Service
D	Register of Actions Case No. A-22-854149-C
E	Notice of Removed Action

REISMAN SOROKAC  
8965 SOUTH EASTERN AVENUE, SUITE 382  
LAS VEGAS, NEVADA 89123  
PHONE: (702) 727-6258 FAX: (702) 446-6756